

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director
Prepared by: Larry A. Peters, P.E., Town Engineer (954) 797-1113

SUBJECT: Resolution

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN UTILITY EASEMENTS FROM ZONA DEVELOPERS, LLC., PROPERTY OWNERS; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The Town Engineering Staff has determined that it is necessary for the benefit of the residents of the Town, Hidden Hollow, that certain utility improvements be maintained. In order to maintain the water distribution system for Hidden Hollow, the Town Staff has obtained from property owner, Zona Developers, LLC, the necessary utility easement needed by the Town. Copy of the utility easement is attached to the accompanying Resolution and Town Council approval is necessary for the Town to accept from Zona Developers, LLC. the needed utility easement and to authorize the recordation of same in the Public Records of Broward County, Florida

PREVIOUS ACTIONS: None

CONCURRENCES:

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S):

The Town Engineering Division recommends that the Town Council approve the attached Resolution and authorize acceptance of the utility easements and authorize recording of same in the Public Records of Broward County, Florida

Attachment(s): Resolution, utility easement (exhibit A) and sketch of survey

RESOLUTION R-2006

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN EASEMENTS FROM ZONA DEVELOPERS, LLC., PROPERTY OWNERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie recognizes the need to obtain certain utility easement located within the Town Limits; and

WHEREAS, it has been determined that such utility easement will be a benefit to the Town and its residents; and

WHEREAS, the Town is in need of obtaining certain utility easement from property owner, Zona Developers, LLC., in order to reserve land for possible utility improvements; and

WHEREAS, Zona Developers, LLC is the owner of the real property, more specifically described within Exhibit "A" attached hereto; and

WHEREAS, the Town has received from property owner, Zona Developers, LLC. the necessary utility easement, copy of which is attached hereto, which will enable future utility improvement and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie, Florida does hereby authorize the Town to accept from the property owner the attached utility easements and to record same in the Public Records of Broward County, Florida.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption..

PASSED AND ADOPTED THIS _____ DAY OF _____, 2006.

MA YOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006

**TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT ENGINEERING DIVISION
UTILITY EASEMENT AGREEMENT**

This document prepared by:
Town of Davie Engineering Div.
6591 Orange Drive
Davie, Florida 33314-3399

Return to:
Town of Davie Administrative Services
6591 Orange Drive
Davie, Florida 33314-3399

Utility Easement

This utility easement executed this JANUARY 4th [date], 2006 -
ZONA DEVELOPERS LLC (Grantors) whose address is
13860 ALEXANDRIA CT. in which Grantors swear that Grantors are the
legal owners of the referenced property and convey to the Town of Davie, Florida, municipal
corporation, located in Broward County, Florida [Grantee] an utility easement.

Grantors warrant that Grantors are the fee owners of certain real estate situated in the Town
of Davie, County of Broward, State of Florida, which is legally described in Exhibit A attached
hereto and incorporated herein by reference, referred to hereinafter as the "easement premises";
and UTILITY EASEMENT SURVEY.

Grantors hereto have determined that it is in Grantors best interests for the grantors to grant
the Town of Davie an easement in and along the easement premises for utility purposes:

Therefore, in consideration of the foregoing:

1. The grantors hereby grant and convey to the Town of Davie a perpetual utility easement
(which can be over, under and across the easement premises), including the right to ingress
and egress to the easement, for construction, reconstruction, alteration, maintenance and
repair (to the extent the Town of Davie considers desirable) of pipes and other necessary or
desirable appurtenances to and/or for a utility system and/or utility facilities, the easement
premises being described as follows which are located in Broward County, Florida:

Exhibit A – easement premises legal description

2. All rights, title and privileges to the easement herein granted shall run with the land and
shall be binding upon Grantors and all persons claiming by, through or under Grantors and
inure to the benefit of the Town of Davie, Florida, its successors and assigns. Grantor will
defend the title to said easement against all persons claiming by, through or under Grantor.

Utility Easement Agreement

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals to this Utility Easement this 5th day of January, 2006.

WITNESSES:

Maria Leuci
Print Name: Maria Leuci

Print Name: _____

GRANTORS:

Jeffrey L. Evans
Grantor: JEFFREY L. EVANS
MANAGER

Grantor: _____

STATE OF FLORIDA :

SS:

COUNTY OF BROWARD :

The foregoing instrument was acknowledged before me this 5th day of January, 2006 by JEFFREY L. EVANS and _____ who are personally known to me or have produced Id. Driver's License as identification and who did/did not take an oath.

Steve Miller
Notary Public



Printed Name of Notary

My Commission Expires: _____

WITNESSES:

Print Name: _____

Print Name: _____

GRANTEE:

Print Name: _____

Utility Easement Agreement

This document prepared by:
Town of Davie Engineering Div.
6591 Orange Drive
Davie, Florida 33314-3399

Return to:
Town of Davie Administrative Services
6591 Orange Drive
Davie, Florida 33314-3399

Consent (by Mortgagee) to Utility Easement

REGENT BANK, a BANKING corporation of the State of FLORIDA whose address is 2205 S. UNIVERSITY DR., DAVIE FL 33324 the owner and holder of a mortgage dated 8/13/04 and recorded in Official Records Book 37973 at Page 1429-1435 of the Public Records of Broward County, Florida, encumbering the lands more particularly described therein, consents to the grant of that certain Utility Easement by ZONA DEVELOPERS, LLC whose mailing address 8430 SR 84 SUITE 112 DAVIE FL 33014 in favor of the Town of Davie dated _____ and recorded on _____ [date] in Official Records Book _____, at Page _____, of the Public Records of Broward County, Florida, but such consent is without recourse or warranty by REGENT BANK, and without REGENT BANK assuming any of the obligations of the Grantor of said Easement. This consent shall not, in any way, affect the lien and operation of the Mortgage, and REGENT BANK reserves all rights and remedies granted to it under the Mortgage.

WITNESSES:

J. C. Corrado
Print Name: J. Corrado
Carolyn Cruz
Print Name: Carolyn Cruz

REGENT BANK
a BANKING corporation of the State of FLORIDA
BY: David R. Mazza, SVP.
DAVID R. MAZZA, SVP. SENIOR VICE PRESIDENT

STATE OF Florida :
COUNTY OF Broward SS:

I HEREBY CERTIFY that on this day before me, an officer duly authorized to take acknowledgments, personally appeared David R. Mazza, SVP of Regent Bank well known to me to be the person named in the foregoing instrument, that he/she acknowledged executing same in the presence of two subscribing witnesses freely and voluntarily and that he/she is personally known to me or has produced _____ as identification and who did/did not take an oath.

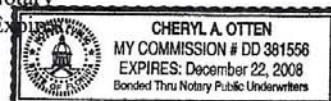
WITNESS my hand and official seal in the County and State last aforesaid this 20th day of Dec, 2005.

Cheryl A. Otten
Notary Public

Cheryl A. Otten

Printed Name of Notary

My Commission Expires



COUSINS SURVEYORS & ASSOCIATES, INC.



6501 ORANGE DRIVE
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION: LB # 6448
PHONE (954) 680-9885 FAX (954) 680-0213

PROJECT NUMBER : 4578-03

CLIENT :
ZONA DEVELOPERS LLC

LAND DESCRIPTION AND SKETCH

LAND DESCRIPTION FOR UTILITY EASEMENT

A PORTION OF LOTS 34 AND 35, "PALM GARDEN PARK UNIT 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 56 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS :

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 35;

THENCE NORTH 90°00'00"EAST ALONG THE SOUTH LINE OF SAID LOT 35, A DISTANCE OF 30.00 FEET;

THENCE NORTH 00°07'11"WEST ALONG A LINE 30 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 35, A DISTANCE OF 10.00 FEET TO REFERENCE POINT A;

THENCE CONTINUE NORTH 00°07'11"WEST AND ALONG SAID PARALLEL LINE, A DISTANCE OF 8.91 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 00°07'11"WEST AND ALONG SAID PARALLEL LINE, A DISTANCE OF 126.76 FEET;

THENCE NORTH 90°00'00"EAST, A DISTANCE OF 10.00 FEET;

THENCE SOUTH 00°07'11"EAST, A DISTANCE OF 126.74 FEET;

THENCE SOUTH 89°52'49"WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH :

COMMENCE AT THE AFOREMENTIONED REFERENCE POINT A;

THENCE NORTH 90°00'00"EAST ALONG A LINE 10 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 35, A DISTANCE OF 99.96 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00°00'00"EAST, A DISTANCE OF 12.00 FEET;

THENCE NORTH 90°00'00"EAST, A DISTANCE OF 136.02 FEET;

THENCE SOUTH 00°07'11"EAST ALONG THE EAST LINE OF SAID LOT 34, A DISTANCE OF 12.00 FEET;

THENCE NORTH 90°00'00"WEST ALONG A LINE 10 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOTS 34 AND 35, A DISTANCE OF 136.04 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

FOR THE FIRM, BY: _____

Richard E. Cousins
RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION AND SKETCH	11/30/05	-----	REC	REC
REVISED LAND DESC & SKETCH	01/26/05	-----	REC	REC

LAND DESCRIPTION AND
SKETCH FOR UTILITY
EASEMENT

PROPERTY ADDRESS :
6521-6637 SW 49TH COURT
4930-4946 SW 66TH TERRACE

SCALE: N/A

SHEET 1 OF 3

ZONA DEVELOPERS LLC

[illegible]

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION AND SKETCH	11/30/05	-----	REC	REC
REVISED LAND DESC & SKETCH	01/26/05	-----	REC	REC

LAND DESCRIPTION AND
SKETCH FOR UTILITY
EASEMENT

PROPERTY ADDRESS :
6621-6637 SW 49TH COURT
4930-4946 SW 66TH TERRACE

SCALE: 1" = 20'

SHEET 2 OF 3

COUSINS SURVEYORS & ASSOCIATES, INC.



6501 ORANGE DRIVE
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 680-9885 FAX (954) 680-0213

PROJECT NUMBER : 4578-03

CLIENT :
ZONA DEVELOPERS LLC

LEGEND:

CKD CHECKED BY
DWN DRAWN BY
FB/PG FIELD BOOK AND PAGE
P.B. PLAT BOOK
LB LICENSE BUSINESS
B.C.R. BROWARD COUNTY RECORDS
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
--- NON-VEHICULAR ACCESS LINE
P.O.T. POINT OF TERMINATION
REF. REFERENCE
Δ CENTRAL ANGLE
A ARC LENGTH
R RADIUS



LAND DESCRIPTION & SKETCH

LOT 33

SOUTH LINE - LOT 33

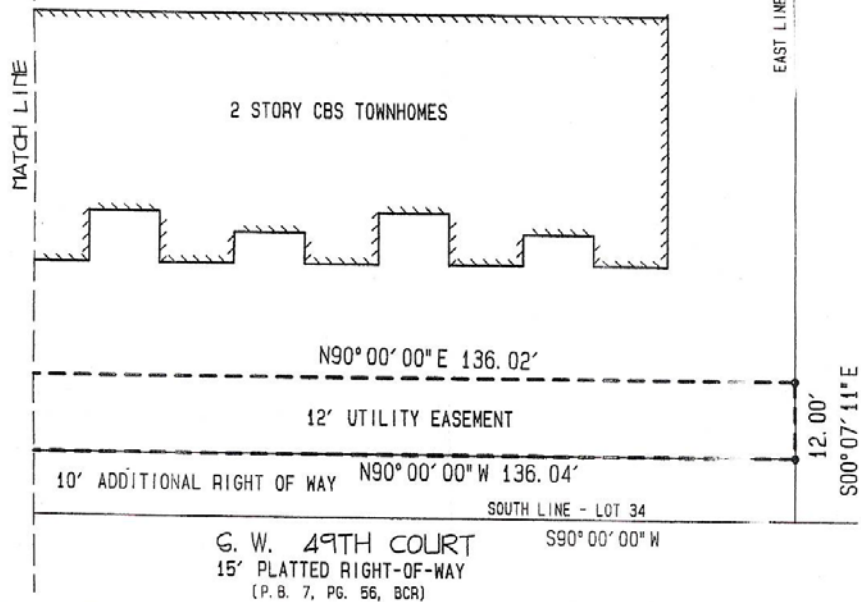
NORTH LINE - LOT 34

PALM GARDEN PARK UNIT 1
P.B. 7, PG. 56, BCR

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOTS 34 & 35 "PALM GARDEN PARK UNIT 1", (P.B. 7, PG. 56, B.C.R.). SAID LINE BEARS S 90°00'00"W. THIS IS AN ASSUMED BEARING.

LOT 34



G. W. 49TH COURT
15' PLATTED RIGHT-OF-WAY
(P.B. 7, PG. 56, BCR)

REVISIONS	DATE	FB/PG	DWN	CKD
LAND DESCRIPTION AND SKETCH	11/30/05	-----	REC	REC
REVISED LAND DESC & SKETCH	01/26/05	-----	REC	REC

LAND DESCRIPTION AND
SKETCH FOR UTILITY
EASEMENT

PROPERTY ADDRESS :
6621-6637 SH 49TH COURT
4930-4946 SH 49TH COURT

SCALE: 1" = 20'

SHEET 3 OF 3